28-18-4. Filing of applications and payment of fees. (a) Each application shall be filed according to Each entity seeking a permit shall submit the application required by K.A.R. 28-16-59.

- (b) For the purpose of providing In order for the department to provide adequate public notice regarding a permit for any proposed new construction or proposed new expansion of a confined feeding facility, a public livestock market, a collection center, a transfer station, or a truck-washing facility for animal wastes, each applicant shall provide to the secretary the name or names and mailing address or addresses of each of the following:
- (1) The United States post office or offices serving the immediate area of the confined feeding facility; and
- (2) each owner of a habitable structure or any property located within one mile of the confined feeding facility.
- (c) In addition to the application requirements of K.A.R. 28-16-59, for any new construction or new expansion of a confined feeding facility, each applicant shall submit all of the following information:
- (1) A map identifying the location and layout of the confined feeding facility or the confined feeding facility perimeter;
- (2) a map identifying the location of any habitable structure or city, county, state, or federal park within one mile of the confined feeding facility or the <u>confined feeding</u> facility perimeter;
 - (3) a map identifying all water wells on the <u>confined feeding</u> facility property;
 - (4) a map identifying any streams and bodies of surface water within one mile of the

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DEC 3 1 2020

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MAR 1 7 2021 4

ATTORNEY GENERAL

DIVISION OF THE BUDGET

confined feeding facility or the confined feeding facility perimeter;

- (5) for confined feeding facilities that utilize a waste-retention lagoon or pond, any information that the applicant possesses indicating the presence of any unplugged oil, gas, or salt solution mining wells located at the proposed or existing confined feeding facility;
- (6) a waste management plan for any confined feeding facility whose operator is not required to obtain a federal permit;
- (7) a nutrient management plan for any confined feeding facility whose operator is required to obtain a federal permit;
 - (8) a groundwater monitoring plan, if required by the secretary; and
- (9) a closure plan for any confined feeding facility whose operator is required to obtain a federal permit and that is located over the Equus Beds.
- (d)(1) Confined feeding facilities on separate pieces of land without a contiguous ownership boundary shall be classified as separate operations, and each applicant shall be assessed a fee under K.A.R. 28-16-56d If adjacent confined feeding facilities use a common animal waste management system or if two or more confined feeding facilities do not adjoin but use a common animal waste management system, the multiple confined feeding facilities shall be considered one confined feeding facility.
- (2) If two or more confined feeding facilities do not adjoin and do not have a common waste management system or if two or more confined feeding facilities adjoin but do not use a common animal waste management system, the confined feeding facilities shall be considered separate confined feeding facilities.

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APPROVED

DEC 3 1 2020

JAN 06 2021

MAR 1 7 2021

- (e) Each applicant for a confined feeding facility permit shall submit the application fee required by K.A.R. 28-16-56d.
- (f) Each applicant for a confined feeding facility permit shall sign the permit application as required by 40 C.F.R. 122.22, dated July 1, 2019, which is hereby adopted by reference.

 (Authorized by K.S.A. 2005 Supp. 65-171d; implementing K.S.A. 65-164, 65-165, 65-166, K.S.A. 2005 Supp. 65-166a, K.S.A. 2005 Supp. 65-171d, and K.S.A. 65-171h; effective, E-67-5, May 31, 1967; effective Jan. 1, 1968; amended Jan. 15, 1999; amended March 16, 2007; amended P-________.)

APPROVED

DEC 22 2020

APPROVED

DEC 28 2020

APPROVED

MAR 1 7 2021

ATTORNEY GENERAL

DIVISION OF THE BUDGET

DEPT. OF ADMINISTRATION

28-18a-4. Filing of applications and payment of fees. (a) Each application shall be filed according to Each applicant for a swine facility permit shall submit the application required by K.A.R. 28-16-59 or K.S.A. 65-1,178 and amendments thereto, as applicable.

- (b) For the purpose of providing In order for the department to provide adequate public notice regarding a permit for any proposed new construction or proposed new expansion of a swine facility, the swine operator each applicant for a swine facility permit shall provide to the secretary the name or names and mailing address or addresses of each of the following:
- (1) The United States post office or offices serving the immediate area of the swine facility; and
- (2) each owner of a habitable structure or any property located within one mile of the swine facility perimeter, as described by pursuant to K.S.A. 65-171d, and amendments thereto.
- (c) In addition to the application requirements of K.A.R. 28-16-59, for any new construction or new expansion of a swine facility, each swine applicant for a swine facility permit shall submit the following information:
- (1) A map identifying the location and layout of the swine facility or the <u>swine</u> facility perimeter;
- (2) a map identifying the location of any habitable structure or city, county, state, or federal park within one mile of the swine facility or the swine facility perimeter;
- (3) a map identifying the location of any wildlife refuge within 16,000 feet of the swine facility or the swine facility perimeter;
 - (4) a map identifying all water wells on the swine facility property;
 - (5) a map identifying any streams and bodies of surface water within one mile of the

APPROVED

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APPROVED

DEC 22 2020 DEC 28 2020 MAR 1 7 2021

DIVISION OF THE BUDGET

ATTORNEY GENERAL

DEPT. OF ADMINISTRATION

swine facility or the swine facility perimeter;

- (6) for swine facilities that utilize a swine waste-retention lagoon or pond, any information that the applicant possesses indicating the presence of any unplugged oil, gas, or salt solution mining wells located at the proposed or existing swine facility;
- (7) a waste management plan, for any swine facility whose operator is not required to obtain a federal permit;
- (8) for swine facilities with an animal unit capacity of 1,000 animal units or more where if the swine at the swine facility are not owned by the operator of the swine facility, a copy of the executed contract between the facility operator swine operator and the owner of the swine, specifying responsibility for management of the manure and wastewater generated at the swine facility; and
- (9) for swine facilities with an animal unit capacity of 1,000 animal units or more, the following information:
 - (A) A manure management plan;
- (B) a nutrient utilization plan that meets the requirements of the Kansas department of agriculture, if the <u>swine</u> facility applies manure or wastewater to land;
 - (C) an emergency response plan;
 - (D) an odor control plan;
 - (E) a dead swine handling plan;
 - (F) a nutrient management plan;
 - (G) a groundwater monitoring plan, if required;

APPROVED

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APPROVED

DEC 22 2020

DEC 28 2020

MAR 1 7 2021

- (H) a closure plan, if required; and
- (I) for swine facilities with an animal unit capacity of 3,725 animal units or more, financial assurance for closure of the swine facility and closure of the swine waste-retention lagoons or ponds.
- (d)(1) Swine facilities on separate pieces of land without a contiguous ownership boundary shall be classified as separate operations, and each applicant shall be assessed a fee under K.A.R. 28-16-56d If swine facilities adjoin and have a common swine waste management system or if swine facilities do not adjoin but have a common swine waste management system, the swine facilities shall be classified as one swine facility.
- (2) If swine facilities do not adjoin and do not have a common swine waste management system or if swine facilities adjoin but do not have a common swine waste management system, the swine facilities shall be classified as separate swine facilities.
- (e) Each applicant for a swine facility permit shall submit the application fee required by K.A.R. 28-16-56d.
- (f) Each applicant shall sign the permit application as required by 40 C.F.R. 122.22, as adopted by reference in K.A.R. 28-18-4. (Authorized by K.S.A. 2005 Supp. 65-171d; implementing K.S.A. 65-164, 65-165, 65-166, K.S.A. 2005 Supp. 65-166a, K.S.A. 2005 Supp. 65-171d, K.S.A. 65-171h, K.S.A. 65-1,179, 65-1,181, 65-1,184, 65-1,187, 65-1,188, 65-1,189, and 65-1,190; effective Jan. 15, 1999; amended March 16, 2007; amended P-

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DEC 3 1 2020

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MAR 1 7 2021

ATTORNEY GENERAL